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BROMBERG & SUNSTEIN LLP

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TO Examiner Peter Paris, Art Unit FAX (571) 273-0732
FROM Barbara J. Carter, Ph.D. *Bjc* PAGES 3 (INCLUDING THIS SHEET)
PHONE (703)746-5304 DATE 3/1/2004
RE Appln No. 09/472,558 - Muting Gene Activity Using a Transgenic Nucleic Acid
OUR FILE 2498/101 YOUR FILE
formerly
2281/102

COMMENTS

See attached interview request form and draft claim 11.

PLEASE NOTIFY BROMBERG & SUNSTEIN LLP AT (617) 443-9292, IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

THIS TRANSMITTAL IS INTENDED ONLY FOR THE ADDRESSEE, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF THE RECIPIENT OF THIS TRANSMITTAL IS NOT THE ADDRESSEE, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

02498/00101 267209.1

Applicant Initiated Interview Request Form

Application No.: 09/472,558 First Named Applicant: Bahramian, M.B.
 Examiner: Paras Art Unit: 1632 Status of Application: pending

Tentative Participants:

(1) Barbara J Carter (2) Bruce D. Sunstein
 (3) _____ (4) _____

Proposed Date of Interview: 3/2/04 Proposed Time: 3:00 (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>102</u>	<u>11</u>	<u>6,506,559</u> <u>Fire et al</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>103</u>	<u>11</u>	<u>Fire - '559</u> <u>and WO 94/11494</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>112, 1</u>	<u>11</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) <u>112, 2</u>	<u>11</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

A. Prior art is inapposite
 B. 112 rejections in relation to scope } see attached
 1) DNA } revised claim 11
 2) target genes

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Barbara J Carter
 (Applicant/Applicant's Representative Signature)

 (Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

2498/101

Draft of Revised Claim 11

U.S. Application No. 09/472,558 to Bahramian et al. - March 2, 2004

11. (currently amended) A method for muting expression of ~~a an~~ endogenous gene in a cultured population of animal cells, the gene selected from the group consisting of collagen, tumor necrosis factor (TNF), tat, and an immunoglobulin gene, the method comprising:

(a) screening to identify a ^{muting} ~~muting~~ DNA nucleic acid composition having a sequence that is homologous to a sequence in the endogenous gene, the DNA nucleic acid composition being double stranded, wherein screening to identify comprises the steps of:

(i) ~~designating providing a plurality of muting DNA compositions that may include up to the entire sequence as a potential muting nucleic acid composition of the endogenous gene;~~

(ii) identifying ~~a first sequence of~~ among the plurality of compositions the muting nucleic acid DNA composition, homologous to portions of the endogenous gene, that mutes at the level of post-transcription;

(b) delivering the first muting nucleic acid DNA composition into the population of cells; and

(c) muting expression of the endogenous gene wherein such muting is independent of integration or level of expression of the delivered nucleic acid DNA composition.